

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No. 3:18-CV-456**

JOSE E. RODRIGUEZ CASTILLO, )  
PLAINTIFF, )  
V. )  
BEACON HILL APARTMENTS )  
(OWNED BY BRIDGE III NC BEACON )  
HILL, LLC) )  
DEFENDANT. )

**DEFENDANT'S NOTICE OF REMOVAL**

Defendant Beacon Hill Apartments (“Beacon Hill”), represented by the undersigned counsel, hereby gives notice of removal of the above-captioned action to the United States District Court for the Western District of North Carolina, Charlotte Division, from the General Court of Justice, Superior Court Division, Mecklenburg County, State of North Carolina (Case No. 18-CVS-14286). This action is removed pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446 for the reasons set forth below.

1. The above-captioned action was filed on July 25, 2018, in the General Court of Justice, Superior Court Division in Mecklenburg County, North Carolina. The summons and Complaint were delivered via certified U.S. mail on July 30, 2018. A copy of all process and pleadings served on Defendant in this matter are attached as Exhibit 1.

2. This Court has original jurisdiction of this action under the provisions of 28 U.S.C. § 1331. In his Complaint, Plaintiff alleges that Beacon Hill failed to provide him a reasonable accommodation and discriminated against him under Title III of the Americans with Disabilities Act. (See Compl. p.1, at ¶¶ C and D). United States District Courts have original jurisdiction over

all civil actions arising under the Constitution, laws, or treaties of the United States. Because Plaintiff's discrimination and failure to accommodate claims purportedly arise under Title III of the Americans with Disabilities Act, this Court has jurisdiction over these claims and removal is proper.

3. The Court has supplemental jurisdiction pursuant to 28 U.S.C. §§ 1337(a) and 1441 over Plaintiff's State of North Carolina claims because they are related to and derived from a common nucleus of operative facts, and constitute one case.

4. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 because the case is a civil action between citizens of different states in which the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. (*See* Compl. p.3, at lines 12-13).

5. Plaintiff is a resident and citizen of the State of North Carolina. (Compl. Second ¶ 1).

6. Beacon Hill Apartments are owned by Bridge III NC Beacon Hill, LLC, a Delaware limited liability company; BP Callan Beacon Hill, LLC, a Delaware limited liability company; and BP Chateau Beacon Hill, LLC, a Delaware limited liability company. The principal place of business for all three entities is Salt Lake City, Utah. Accordingly, the Court has federal diversity jurisdiction over this lawsuit.

7. This Notice of Removal is filed with the Court within thirty (30) days of receipt of the Complaint in the state action by the Plaintiff against Defendant. This matter is, therefore, timely removed pursuant to 28 U.S.C. § 1446(b).

8. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief may be granted. Defendant hereby reserves any and all rights to assert any defenses to Plaintiff's Complaint, including but not limited to, issues relating to venue and personal jurisdiction.

9. Defendant hereby reserves the right to amend or supplement this Notice of Removal.

10. The state court from which this action was removed is within the Court's District and Division, and, therefore, venue is appropriate in this Division.

11. A copy of the Notice of Removal attached as Exhibit 2 will be filed with the Clerk of Court for Mecklenburg County, North Carolina, promptly after the notice is filed with this Court, as required by 28 U.S.C. § 1446(d).

12. By copy of this Notice of Removal and in accordance with the attached Certificate of Service, Defendant is providing notice to Plaintiff in this action and advising him of this filing pursuant to 28 U.S.C. § 1446(d).

13. Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, Defendant's corporate disclosure statement is being filed contemporaneously with this notice.

WHEREFORE, Defendant Beacon Hill hereby gives notice that the above-referenced action pending in the General Court of Justice, Superior Court Division of Mecklenburg County, North Carolina has been removed to this Court.

Dated this 20th day of August, 2018. Respectfully submitted,

By: /s/ J. Michael Honeycutt  
J. Michael Honeycutt (NC Bar No.33437)  
Meredith W. Norvell (NC Bar No. 51060)  
**FISHER PHILLIPS LLP**  
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*ATTORNEYS FOR DEFENDANT*

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JOSE E. RODRIGUEZ CASTILLO, )  
PLAINTIFF, )  
V. )  
BEACON HILL APARTMENTS (OWNED )  
BY BRIDGE III NC BEACON HILL, LLC) )  
DEFENDANT. )

**CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2018, the foregoing **DEFENDANT'S NOTICE OF REMOVAL** has been served on the following by depositing true copies thereof with the United States Postal Service, postage prepaid, and addressed as follows:

Jose E. Rodriguez Castillo  
1800 Beacon Ridge Rd.  
Apt. 341  
Charlotte, North Carolina 28210

Dated this 20th day of August, 2018.

Respectfully submitted,

By: /s/ J. Michael Honeycutt  
J. Michael Honeycutt  
**FISHER PHILLIPS LLP**